

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated December 8, 2006 (hereinafter Office Action) have been considered. Claims 1-85 remain pending in the application. Of these claims, 5, 8, 9, 16, 27, 36 – 38, 45, 53, 56, 57, 59, and 61 are withdrawn from prosecution. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1-4, 6, 7, 10-15, 17-26, 28-35, 39-44, 46-52, 54, 55, 58, 60 and 62-85 stand rejected based on 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2004/01111040 by *Ni et al.* (hereinafter “*Ni*”) in view of U.S. Patent No. 5,902,250 to *Verrier et al.* (hereinafter “*Verrier*”).

The respective rejection for each of claims 1-4, 6, 7, 10-15, 17-26, 28-35, 39-44, 46-52, 54, 55, 58, 60 and 62-85 relies upon some teaching or suggestion from the *Ni* reference. The Applicant hereby invokes 35 U.S.C. § 103(c) to negate the applicability of each of these obviousness (-type) rejections that rely upon the *Ni* reference. To the extent that *Ni* is directed to subject matter which is prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e), that is now disqualified as prior art against the Applicant’s claimed invention. This conclusion follows because the Applicant’s claimed invention and the subject matter of the *Ni* reference were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person as evidenced by the assignments recorded at Reel/Frame 014722/0826 (current application) and 013786/0829 (*Ni*); showing that the assignee is common.

As such, the Applicant respectfully requests withdrawal of the §103(a) rejection of claims 1-4, 6, 7, 10-15, 17-26, 28-35, 39-44, 46-52, 54, 55, 58, 60 and 62-85, and notification that these claims are in condition for allowance.

It is to be understood that the Applicant does not acquiesce to the Examiner’s characterization of the asserted art or the Applicant’s claimed subject matter, nor of the Examiner’s application of the asserted art or combinations thereof to the Applicant’s claimed subject matter. Moreover, the Applicant does not acquiesce to any explicit or implicit statements or conclusions by the Examiner concerning what would have been

obvious to one of ordinary skill in the art, officially noticed facts, and the like. The Applicant respectfully submits that a detailed discussion of each of the Examiner's rejections beyond that provided above is not necessary, in view of the disqualification of the primary reference used in the rejections. The Applicant, however, reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (GUID.060PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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By:



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